IN T HE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 3883 OF 2007

Kumari Geeta S. Choudhari — Petitioner

Vs.

The Bhiwandi-Nizampur City
Municipal Corpn. & Ors. — Respondents

Mr. A. N. Maniyar, Advocate for the petitioner.

Ms. V. Mhaisapurkar, AGP for the Respondent No.3.

Mr. M. S. Lagu, Advocate for the Respondent No.1 & 2.

CORAM : D. G. KARNIK
AND
A. A. SAYED, JJ.
[VACATION COURT]

DATE : MAY 15, 2007.

P.C.

1. Heard the learned Counsel.

2. By this petition, the Petitioner challanges the order dated 11th May 2007 passed by the Returning Oficer, rejecting the nomination of the Petitioner, on the ground that the Petitioner had not signed the necessary declaration.

3. It is not disputed that signing of declaration was a mandatory part of the nomination form. We therefore see no error in the order of the Returning

Officer rejecting the nomination paper on the ground that the declaration was not signed.

4. Even otherwise, we are of the view that Writ Petition is not maintainable. We are fortified in our view by the decision of the Supreme Court in **N. P. Ponnuswami Vs. The Returning Officer, Namakkal Constituency, A.I.R. (39) 1952 Supreme Court 64,** wherein the Court has observed that :

> "We are informed that besides the Madras High Court, seven other State High Courts have held that they have no jurisdiction under Art. 226 of the Constitution to entertain petitions regarding improper rejection of nomination papers. This view is in my opinion correct and must be affirmed. The appeal must, therefore, fail and is dismissed."

5. Writ Petition is accordingly dismissed.

[A. A. SAYED, J.] [D. G. KARNIK, J.]